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ONE HUNDRED SEVENTH CONGRESS

# Congress of the United States

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December 17, 2002

The Honorable John Ashcroft  
Attorney General of the United States  
U.S. Department of Justice  
10<sup>th</sup> and Constitution Avenue, N.W.  
Washington, D.C. 20530

Dear Mr. Attorney General:

I write to request that the Department of Justice investigate efforts to suppress the minority vote in the 2002 midterm elections as one of the very first orders of business when Congress reconvenes this January. Given recent events, it is now more important than ever that we come together as a nation to fight discrimination in all of its forms, and there is no more critical place to start than the ballot box.

I am particularly concerned that a number of troubling incidents occurred in key Senate races that were under the purview of National Republican Senatorial Committee Chairman Bill Frist and believe that Senator Frist owes us a full accounting of this matter. I would, therefore, suggest that the Department, at a minimum, question Senator Frist about his or his subordinates involvement in these troubling incidents. Among the instances of voter intimidation already reported are the following:

- In Louisiana, flyers were distributed in African American communities stating, "Vote!!! Bad Weather? No problem!!! If the weather is uncomfortable on election day [Saturday, December 7<sup>th</sup>], remember you can wait and cast your ballot on Tuesday, December 10<sup>th</sup>." Lee Hockstader and Adam Nossiter, *GOP Outmaneuvered in La. Runoff*, Washington Post, Dec. 9, 2002, at A04. In addition, the Louisiana Republican Party admitted to paying for signs aimed at discouraging African-Americans from voting. The signs said: "Mary, if you don't respect us, don't expect us" and paid African American youths \$75 today to hold the signs aloft on street corners in black neighborhoods. Bill Walsh, *Dirty deeds abounded in elections*, Times-Picayune (New Orleans), Dec. 12, 2002.

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- In Texas, two poll watchers representing U.S. Senate candidate John Cornyn were removed from their polling places because they were engaged in acts of voter intimidation, including making racist remarks. Steve Taylor and Andrea Hauser, *Poll watchers discharged- GOP workers for Cornyn accused of intimidation*, The Monitor, Nov. 1, 2002.
- In Arkansas, five Republican poll watchers, including two staff members of Senator Tim Hutchinson's office, were present at the courthouse in Pine Bluff, Arkansas-a heavily Democratic area-for the first day of early voting. They allegedly focused exclusively on African Americans, asking them for identification and taking photographs. They claimed to be "targeting anybody who does not have an ID to prove who they say they are." Trey Ashcraft, chairperson of the Jefferson County Democratic Party and the Jefferson County Election Commission, said the tactics caused some frustrated black voters to not vote. "They are trying to intimidate African-American voters into not voting." Guy Cecil, a Democrat coordinating national efforts with Arkansas' campaigns, said, "They were literally going up to them and saying, 'Before you vote, I want to see your identification.'" Cecil said that under Arkansas law poll watchers could not confront voters. Local law enforcement officials escorted the poll watchers out, but they later returned. Emmett George, *GOP poll watchers create a stir in PB 3 dispatched to keep tabs on early voting*, Arkansas Democrat-Gazette, Oct. 22, 2002; James Jefferson, *Judge bars out-of-town student voting in Clark County*, Associated Press, Oct. 22, 2002.
- In New Jersey, an email soliciting "Latino Lawyers & Others," described as an "aggressive campaign" to "ensure ballot fairness" was allegedly sent by a staff member of Republican Senate candidate Doug Forrester. David Kinney and Josh Margolin, *Democrats allege GOP intimidation plan- Republicans deny bid to limit Latino vote and press for extension of absentee ballots*, New Jersey Star-Ledger, Oct. 29, 2002.

This pattern was replicated in Congressional and Gubernatorial campaigns throughout the nation:

- In Baltimore, MD an unsigned flier circulated in African-American neighborhoods spread false information aimed at suppressing voter turnout. The flier read: "URGENT NOTICE. Come out to vote on November 6th. Before you come to vote make sure you pay your parking tickets, motor vehicle tickets, overdue rent and most important any warrants." Howard Libit and Tim Craig, *Allegations fly as Election Day nears*, The Baltimore Sun, Nov. 4, 2002.
- In Florida, Democratic State Chair Bob Poe and other voters received a disturbing phone calls from someone urging him to cast his absentee ballot on Nov. 10 - five days after

Election Day. Associated Press, Oct. 26, 2002; Anthony York, *More Florida follies?*, Salon.com, October 29, 2002.

- In Michigan, the Republican party stationed several hundred spotters at heavily Democratic voting precincts to challenge voters they claimed were improperly registered. Republican National Committeewoman Sharon Wise acknowledged that the spotters would only be stationed in precincts that are heavily Democratic, which tend to be in urban areas. Chris Christoff, *Casting Ballots: GOP to have hundreds of spotters at polling sites*, The Detroit Free Press, Oct. 30, 2002.
- In New Mexico, the State Bureau of Elections criticized claims by the Republican Party of New Mexico that pushing the straight party button will cancel out individual votes for another party. The claim appears as a notice on several Republican mailers targeting Democratic congressional candidate John Arthur Smith and promoting Smith's opponent, Republican Steve Pearce, which said: 'Notice to Voters. Do not vote using the Straight Party Button on your polling machine. This button cancels out any individual votes you cast. In the past election, this button deprived many candidates of the votes they earned from people like you.' Denise Lamb of the Bureau of Elections said the notice was "more than unfortunate, its despicable that people would try to misinform voters to win an election." Las Cruces Sun-News, 11/2/02.
- In Alabama, Democratic 3rd District congressional candidate Joe Turnham discovered that someone was claiming to make calls on behalf of the Turnham campaign. These "clearly harassing phone calls" at inappropriate hours. One voter received a call at 7 a.m., and his wife got another call between 2:30 a.m. and 3 a.m. The voter called the local Republican headquarters and was told the Rogers campaign probably had commissioned the calls. Mike Sherman, *Harassing calls blamed on Rogers*, Montgomery Advertiser, Oct. 31, 2002.
- In Indiana, an unidentified group left recorded messages on cell phone voice mail claiming to be calling on behalf of Democratic Congressional candidate Jill Long Thompson. Scott Smith, *Recorded campaign phone calls irk many voters*, Kikomo Tribune, Oct. 29, 2002.
- In Pennsylvania, former Rep. George Gekas distributed among county officials and volunteers an 18-page manual that included a section about 'challenging a voter.' The Gekas pamphlet contained legal errors that could encourage Republican volunteers to lodge false and misleading protests against voters' rights. Editorial, Lebanon Daily News, 11/5/02.

I am concerned that these efforts may have been an orchestrated effort on the part of the Republican National Committee ("RNC") to wage a public relations campaign claiming that vote

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fraud is widespread in order to create a pretext to intimidate voters. On October 16<sup>th</sup>, the RNC made a highly publicized claim that there was possible voter fraud in all fifty states. Associated Press, 10/16/02. These allegations, however, proved to be far more myth than fact.

For example, the Connecticut Secretary of State said the data provided by the Republican National Committee alleging election fraud was "highly flawed" since more than half of the people named never even voted in Connecticut in 2000. "It appears that the RNC has made allegations that were completely unfounded," she said. "And I hope this was not an attempt to distract voting officials or discourage voters from participating on Election Day." New Haven Register, 10/22/02.

In South Dakota, Republicans appear to have fabricated allegations of widespread vote fraud by Native Americans. In fact, the Republican Attorney General, Mark Barnett, said he was only aware of "two cases" where criminal law may have been violated and that he didn't have "any evidence" of widespread voter fraud. T.R. Reid, *New Indian Voters Turned Race in S.D.*, The Washington Post, Nov. 8, 2002 at A10.

At the same time RNC officials were making these unfounded allegations they were organizing a coordinated effort to intimidate voters. The newly-created Republican National Lawyer Association convened in San Antonio, Texas in August, 2002, to "teach Republicans from all over the U.S. about preserving and protecting the integrity of elections." They touted the event as a "landmark political forum" focusing on pre-election, election day, and post-election topics. On their Web site, they tout that "almost 200 lawyers from over 20 states attended." Their efforts, "at the request of" the RNC and "various" state parties, involve "conducting and organizing ballot integrity training across the country." "Landmark Election Law Seminar Draws GOP Leaders," PR Newswire, 9/10/02; Republican National Lawyer Association Web site, [www.rnla.org](http://www.rnla.org).

To me, it is a tragedy that nearly 40 years after the enactment of the Voting Rights Act, we are seeing discriminatory patterns of minority voting suppression and intimidation emerge across the nation. I hope you agree with me that such behavior is intolerable in 21<sup>st</sup> Century America.

I look forward to working with you on this seminal civil rights issue.

Sincerely,  
  
John Conyers, Jr.  
Ranking Member

cc: The Honorable F. James Sensenbrenner, Jr.  
The Honorable Daniel J. Bryant